

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT
DECISION NO. 6006 AS A PRECEDENT
DECISION PURSUANT TO SECTION
409 OF THE UNEMPLOYMENT
INSURANCE CODE.

In the Matter of:

EVELYN M. BRISSENDEN
(Claimant)

PRECEDENT
BENEFIT DECISION
No. P-B-315

FORMERLY BENEFIT DECISION No. 6006
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S.S.A. No.

PACIFIC FINANCE CORPORATION
(Employer)

The above-named employer appealed from the decision of a Referee (LA-53124) which held that the claimant was not subject to disqualification under the provisions of Section 58(a)(4) of the Unemployment Insurance Act [now section 1257(b) of the Unemployment Insurance Code]. On November 13, 1952, this Appeals Board remanded the matter to a Referee for a further hearing. Such hearing was held December 16, 1952, in Long Beach, and the transcript of the testimony is now before us for consideration.

Based on the record before us, our statement of fact, reason for decision, and decision are as follows:

STATEMENT OF FACT

The claimant was last employed for approximately seven months as a general office worker in the Los Angeles office of the employer. She received a wage of \$185 per month and voluntarily terminated this employment on or about January 15, 1952, for reasons which are not material to the issue involved herein.

On July 18, 1952, the claimant registered for work and filed a claim for benefits in the Long Beach Office

of the Department of Employment. On August 15, 1952, the Department issued determinations holding the claimant subject to disqualification for a total of five weeks beginning August 8, 1952, under the provisions of Sections 58(a)(4) [now section 1257(b)] and 58(a)(3) of the Act [now section 1257(a) of the code]. The claimant appealed, and the Referee reversed the determinations which had been issued by the Department. The employer appealed solely from that portion of the Referee's decision which held that the claimant was not subject to disqualification under Section 58(a)(4) of the Act [now section 1257(b) of the code].

On July 30, 1952, the employer sent a letter to the claimant notifying her that in the event she was presently able and available for work, she should call a representative of the employer to discuss possible employment. This communication was received by the claimant on July 31, 1952. At approximately 1:00 p.m. on August 1, 1952, the claimant, upon contacting by telephone the representative mentioned in the communication, was informed that there was an offer of employment available to her in a Long Beach branch office of the employer. The claimant was further advised to contact the employer's representative who was in charge of that office. The claimant did not contact the manager of the Long Beach branch office until August 4, 1952, at which time, the position had been filled. The claimant delayed in contacting the manager because she had a prospect of employment as a part-time bookkeeper.

On August 1, 1952, there was an opening in the Long Beach branch office of the employer for work as a cashier-clerk at a wage of \$170 per month for one who was inexperienced and a wage ranging from \$190 to \$195 per month for an individual who possessed experience. The hours of employment were from 8:00 a.m. to 5:00 p.m., Monday through Friday. This position was filled on August 2, 1952.

REASON FOR DECISION

Section 58 of the Unemployment Insurance Act [now sections 1256-1257 of the code] provides in part:

"(a) An individual shall be disqualified for benefits if:

* * *

"(4) He, without good cause, has refused to accept suitable employment when offered to him or failed to apply for suitable employment when notified by the public employment office."

We have previously held that, generally speaking, an offer of employment must be sufficient to notify the claimant of the basic working conditions, including hours of work and wages. However, we have also held that the offer need not mention all of the terms if the claimant already was sufficiently familiar with the employment conditions prevailing at the employer's place of business so as to make the requirement unnecessary (Benefit Decisions Nos. 3141 and 5311).

In the instant case the evidence establishes that the claimant's former employer had an opening for her on August 1, 1952, and that the existence of such opening was communicated to the claimant so as to constitute an offer of employment. The opening was for a type of work for which the claimant was qualified by reason of prior training and employment experience. In all other material respects, the opening met the criteria for suitable employment as set forth in Section 13(a) of the Act [now section 1258 of the code]. The claimant, at the time that she became aware of the opening, had been unemployed for a considerable length of time. The fact that the claimant had a prospect for part-time work does not constitute good cause for her failure to act with diligence in response to the offer of full-time work. We therefore conclude that the claimant is subject to disqualification under Section 58(a)(4) of the Act [now section 1257(b) of the code] (Benefit Decision No. 5311).

DECISION

The decision of the Referee is modified. The claimant is subject to disqualification under Section 58(a)(4) of the Act [now section 1257(b) of the code] for a period of five weeks in accordance with Section 58(b) of the Act [now section 1260 of the code].

Sacramento, California, March 27, 1953.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

MICHAEL B. KUNZ, Chairman

GLENN V. WALLS

EDWARD CAIN

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 6006 is hereby designated as Precedent Decision No. P-B-315.

Sacramento, California, May 11, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT